

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ELDRED BOGAN, AIS # 143522, :
Plaintiff, :
vs. : CIVIL ACTION 05-00540-BH-B
WARDEN DANIELS, *et al.*, :
Defendants. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that the federal claims be dismissed with prejudice as frivolous, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(I) and that the state-law claims be dismissed without prejudice.

The Clerk is **DIRECTED** to send to the Commissioner of the Alabama Department of Corrections a copy of the Report and Recommendation, a copy of this Order adopting the Report and Recommendation, and a copy of the Judgment.

DONE this 19th day of June, 2008.

s/ W. B. Hand
SENIOR DISTRICT JUDGE